



Legislative Testimony  
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**Written Testimony Supporting House Bill 7389, An Act Concerning Confidentiality in the Case of a Discretionary Transfer of a Juvenile's Case to the Regular Criminal Docket and Implementing the Recommendations of the Juvenile Justice Policy and Oversight Committee**

Senator Winfield, Representative Stafstrom, and distinguished members of the Judiciary Committee:

My name is David McGuire, and I am executive director of the American Civil Liberties Union of Connecticut (ACLU-CT). I am submitting this testimony in support of House Bill 7389, An Act Concerning Confidentiality in the Case of a Discretionary Transfer of a Juvenile's Case to the Regular Criminal Docket and Implementing the Recommendations of the Juvenile Justice Policy and Oversight Committee.

During the past several legislative sessions, Connecticut has led the nation in passing criminal justice reform laws, particularly in the area of protecting juveniles who enter our criminal justice system. As an organization that advocates for the fair treatment of everyone in our criminal justice system and the reduction of incarceration in our state, the ACLU-CT supports measures to prevent the detention of juveniles, prevent the transfer of juveniles to the regular criminal docket, and ensure the rights of detained juveniles. We therefore support House Bill 7389, which would preserve confidentiality in juvenile cases transferred to the regular criminal docket and implement recommendations of the Juvenile Justice Policy and Oversight Committee (JJPOC). The bill's provisions would improve outcomes for juveniles in our criminal justice system.

House Bill 7389 would create privacy provisions to preserve the confidentiality of juvenile cases. Juvenile cases that are transferred under the discretion of the court to the regular criminal docket may be transferred back to the docket for juvenile matters. Therefore, it is important to ensure the confidentiality of those cases until it is clear that they will not be returned to the juvenile docket. The bill would require that cases transferred to the regular criminal docket be conducted in private and held in an area of the court away from adult cases. Additionally, the bill would require confidentiality of all records of these cases until a jury issues a verdict or there is a guilty plea. This would protect the privacy of juveniles in our criminal justice system.



The bill would also implement recommendations of JJPOC. These include provisions that prohibit someone under eighteen from being held by the Department of Correction (DOC) and prohibit sixteen and seventeen-year-olds from being detained in adult facilities. Detaining juveniles in adult correctional facilities permanently penalizes them for actions they take before they have matured. In addition, it undermines juveniles' wellbeing and jeopardizes public safety. Furthermore, juveniles are not miniature adults. They have different socio-emotional and physical needs, and their brains are still developing. Connecticut's adult incarceration system is not equipped to handle these needs, and it is not in a youth's best interest to enter the adult justice system. The ACLU-CT strongly supports these provisions to ensure juveniles are not held in adult facilities.

Another of the bill's provisions would require JJPOC to study how other states transfer juveniles to the regular criminal docket and how they detain fifteen to seventeen-year-olds when they are transferred. JJPOC would be required to develop recommendations regarding how Connecticut transfers juveniles to the criminal docket and create a plan to implement those recommendations. A study would allow our state to explore alternatives to transferring juveniles to the adult justice system. These transfers generally harm juveniles and often negatively affect our state as a whole. The state should prioritize improving the current process to ensure better outcomes for Connecticut's youth, and this study would be an important step in doing that.

The bill would also require the implementation of best practices in juvenile detention centers, including practices addressing suicide, negative impacts of solitary confinement, restraints, and programming and services. The DOC and Department of Children and Families (DCF) would be required, under the bill, to provide developmentally healthy and appropriate activities and recreational opportunities for youth who are detained and their family members. Contact visits with family members would generally be required. It is the responsibility of the state to protect juveniles who are detained in Connecticut and offer them the best chance at success. The use of solitary confinement and restraints has proven to impose serious mental and physical effects on juveniles. Youth who are detained also must have access to the health care, including mental health care, that they need. The use of best practices is essential when detaining youth to protect their health and wellbeing, as well as to protect their civil rights. The bill would require detention centers to annually certify their compliance with the best practices and require annual reporting on important data to JJPOC. Data on suicidal behaviors, uses of force against juveniles and physical isolation of juveniles, and educational or mental health concerns for detained juveniles would create more transparency and accountability and allow JJPOC to determine if additional reforms are needed to protect juveniles in detention centers.

Importantly, the bill would increase services for juveniles in detention. It would require DOC and DCF to ensure ombudswoman services are available to juveniles in detention centers. This would include someone receiving and investigating complaints, recommending



resolutions to complaints and policy revisions, and touring the centers. Requiring the availability of these services would give juveniles in detention centers the ability to report complaints they have and would provide them with an advocate who has their best interest in mind when investigating complaints and recommending policy revisions in centers. The bill would also make employees of detention centers mandated reports, which would create another layer of protection for juveniles in the centers.

We strongly encourage the committee to support House Bill 7389 to improve outcomes for juveniles in our criminal justice and detention systems.

